

Matthew Rhodes

From: Rhodes, Matthew
Sent: 04 December 2020 15:13
To: [REDACTED]
Subject: Pre-application advice - Noise assessment for Land Adjacent to New Road, Whaley Bridge.

Dear [REDACTED]

Pre-application Advice - AEC, "Noise Assessment For Planning Purposes", ref: P4205/R1/RDC, dated 12th November 2020

You have requested advice from the Environmental Health Service, following the refusal of planning application HPK/2018/0381 due to industrial noise in the neighbourhood. To this end you have submitted an updated noise survey for comment (AEC, ref: P4205/R1/RDC, dated 12th November 2020).

Introduction

The proposed development is located on an area of unoccupied land adjacent to New Road in Whaley Bridge and will consist of nine new-build residential properties. These are located adjacent to an industrial site currently containing a woodworking business and engineering company. The original acoustic report (Peak Acoustics, ref: KD1202192NR Rev 1.0, dated 14th June 2020) submitted in support of application HPK/2018/0381, identified elevated neighbourhood noise due to activities from this nearby industry.

AEC, ref: P4205/R1/RDC, dated 12th November 2020

The noise measurements obtained by AEC (2020) are broadly comparable to those identified in PA (2020) as illustrated in the table below

	PA (2020)	AEC (2020)	Worst Case
Specific Sound Level (dB L_{As})	63	63	66
BS4142 Penalties	6	3	6
Rating Level (dB L_{Ar})	69	66	72
Background (dB L_{A90})	42	44	42
Difference	27	22	30
Impact	<i>"Significant Adverse"</i>	<i>"The assessment indicates a likelihood of a significant adverse impact"</i>	

- **Specific Sound**

Specific sound was measured at location A over a period of 3 hours, and whilst the maximum average over any 1 hour period was 63dB LAeq,1hr a level of 66dB LAeq,15mins was recorded for 2 separate 15 minute periods. Given that a very small amount of noise data has been collected I suggest it's not unreasonable to take a precautionary approach and assume that a specific noise level of 66dB LAeq,1hr is not likely to be a rare event at the measurement location.

It is noted that measurement has been undertaken during unusual economic conditions created by COVID, and it's not known how these have affected specific noise, or background noise climates.

- **BS4142 Penalties**

PA (2020) included penalties totalling +6dB for tonal, intermittent, and impulsive characteristics of the industrial noise source. AEC (2020) applied a +3dB penalty to the specific sound levels, assessing that the noise source is neither tonal nor impulsive, but is distinctive against the residual sound climate.

It's reasonable to question this difference of opinion between the 2 reports and with this in mind I'd ask that additional information is supplied to clarify how AEC (2020) determined the penalties to be applied. For each of the potential acoustic features (tonal, intermittent, and impulsive) the report should clarify the method applied (subjective method or objective methods) in applying correction.

- **Background Noise Level**

AEC determined a typical background noise level of 44dB L_{A90} , as opposed to the level of 42 dB determined within PA (2020). Looking at table B1 within AEC (2020) typical background appears to be based on the period 12:00 to 12:15 during which industrial sources were not operating however during the period 10:20 to 10:25 a background level of 42dB was reported. Given the relatively short time periods of relevant measurement for background levels a precautionary approach is appropriate and this lower figure of 42 dB L_{A90} should be adopted.

- **Impact**

AEC (2020) determines a difference of 22dB between background and rating levels and concludes that this indicates a *"likelihood of a significant adverse impact"*. As described above the difference of 27dB as determined within PA (2020) appears reasonable, and further information to clarify has been requested. It is also noted that an application of "worst case" figures will give rise to a difference of 30dB between background and rating levels.

Section 7.8 of AEC (2020) further contextualises the noise climate thus:

"it should be noted that the industrial units only operate during the daytime, where activities are intermittent in nature and are sometimes silent during their operational hours. In addition, it should be noted that AEC has calculated a rating noise level of 19dB at existing properties on New Road where AEC understands that no complaints to the industrial noise activities have been made"

Whilst this statement is not without merit it should be noted that the industrial estate has an established use that pre-dates planning regulation and there is consequently no prescription in place against night-time working. Equally the fact that existing residents in surrounding premises do not regularly complain about noise from the industrial estate does not necessarily mean that residential development of the target site is appropriate. Formal action for noise nuisance is typically undertaken under the Statutory Nuisance regime, and it is a criminal offence to fail to abate a Statutory Nuisance when directed by a Court or through Notice. I suggest setting the bar at the level of criminal negligence does not represent a desirable standard of town planning.

AEC (2020) proposes remediation to reduce internal noise within premises, in the form of enhanced glazing and acoustic trickle vents to all elevations, and I suggest that this needs further work. With reference to comments above I suggest that the specific sound (industrial noise) includes a potential for significant intermittent and impulsive noise (hammering etc) and trickle ventilation is not adequate for this type of noise. In addition, internal layouts should be considered to move living space (living rooms, bedrooms) to the rear of the building, away from the industrial noise source, with bathrooms and kitchens etc at the front.

For external living space (gardens) the report includes mitigation in the form of a 2m high acoustic fence and predicts that this will reduce noise levels to 51dB LAeq, 1hr and 50dBLAeq,16hr. It's accepted that noise is likely to be below the higher WHO guidance level of 55dBLAeq,16hr.

Conclusion

Whilst mitigation is available to reduce noise levels within properties and outside amenity areas to within appropriate criteria values, the report indicates that the proposals will introduce new housing to an area of high environmental noise. This is an issue of general amenity and public nuisance, and I suggest that this noise climate would be an oppressive environment for residential housing, and would not (in my opinion) represent a desired level of protection of general amenity, and thus would not constitute a desirable standard of town planning. Comments from Environmental Health to planning as part of any future consultation would not likely be significantly altered by the new report, and refusal would likely be recommended, and I suggest the site would be better utilised for commercial/industrial development. Ultimately, it's for the Planning Officer or Committee to decide on planning balance and place any comments from Environmental Health within the context of national and local planning policy.

I trust this answers your query

Yours sincerely

Matthew Rhodes
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